

<p style="text-align: right;">Page 138</p> <p>1 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS</p> <p>2 BY MR. BOSTWICK:</p> <p>3 Q. Mr. Debregeas, I have some questions</p> <p>4 for you related to the topics that you've been</p> <p>5 discussing for the last two days. The first</p> <p>6 question -- The first question relates to</p> <p>7 Mr. Stewart's last group of questions.</p> <p>8 You had indicated, I believe, that you</p> <p>9 had know specific memory of Bentley or Mr. Murphy</p> <p>10 indicating that one of the general managers had</p> <p>11 authority to work -- to act on behalf of Bentley.</p> <p>12 Do you remember that?</p> <p>13 A. Yes.</p> <p>14 Yes.</p> <p>15 Q. I'd like to ask you to take a look at</p> <p>16 Exhibit 34. And there is a third-to-last</p> <p>17 paragraph that reads, Unfortunately, I am not able</p> <p>18 to assist at the meeting that will be held at your</p> <p>19 Paris office.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And this is Mr. Murphy writing for</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Because it's not the property of</p> <p>2 Belmac.</p> <p>3 Q. Whose property --</p> <p>4 A. Technology is our property.</p> <p>5 Q. Let me get out a couple of documents</p> <p>6 here. Mr. Debregeas, over the last two days, you</p> <p>7 have testified about a relationship, commercial</p> <p>8 relationship, between Ethypharm France, Ethypharm</p> <p>9 Spain, Bentley in the U.S.A., and Laboratorios</p> <p>10 Belmac in Spain; correct?</p> <p>11 A. Yes.</p> <p>12 Q. From late 1994 to 2003, who at</p> <p>13 Ethypharm had the final authority to make</p> <p>14 decisions regarding the scope and nature of the</p> <p>15 relationship with Bentley and Belmac?</p> <p>16 MR. STEWART: Objection. Compound.</p> <p>17 THE WITNESS: It was me. And when I</p> <p>18 was absent, it was Gerard Leduc, my partner but</p> <p>19 me --</p> <p>20 BY MR. BOSTWICK:</p> <p>21 Q. So Ethypharm France?</p> <p>22 A. Yeah, Ethypharm France.</p>
<p style="text-align: right;">Page 139</p> <p>1 Bentley; correct?</p> <p>2 MR. STEWART: Objection.</p> <p>3 THE WITNESS: Yes. Yes.</p> <p>4 BY MR. BOSTWICK:</p> <p>5 Q. And in his absence, who is Mr. Murphy</p> <p>6 designating to act in Bentley's place?</p> <p>7 A. Mr. Clemente Gonzalez.</p> <p>8 Q. Okay. With respect to Exhibit 36, if</p> <p>9 you could take a look at that, I understood you to</p> <p>10 say that in 1995 or 1999 Ethypharm might have</p> <p>11 agreed in principle to a joint press release --</p> <p>12 A. Yes. Yes.</p> <p>13 Q. -- if -- if they had been asked; is</p> <p>14 that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Would you ever -- Would Ethypharm ever</p> <p>17 have allowed Bentley or Belmac to publicly state</p> <p>18 or suggest that the micropellet technology used to</p> <p>19 produce Omeprazole was the property of Bentley or</p> <p>20 Belmac?</p> <p>21 A. We would never have allowed that.</p> <p>22 Q. Why not?</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. During that same time period, what was</p> <p>2 your understanding of who had the final authority</p> <p>3 to make decisions for Bentley and Laboratorios</p> <p>4 Belmac?</p> <p>5 MR. STEWART: Objection. Compound.</p> <p>6 THE WITNESS: Mr. Jim Murphy.</p> <p>7 BY MR. BOSTWICK:</p> <p>8 Q. At?</p> <p>9 A. Bentley had in the subsidiary full</p> <p>10 power, Mr. Jim Murphy. He had mentioned it to me.</p> <p>11 Q. You dealt personally with Mr. Murphy</p> <p>12 many times during this period?</p> <p>13 A. Yes.</p> <p>14 Q. Did you negotiate terms of contracts</p> <p>15 directly with Mr. Murphy at his headquarters in</p> <p>16 the U.S.?</p> <p>17 MR. STEWART: Objection.</p> <p>18 MR. BOSTWICK: And I want to strike</p> <p>19 that. I want to strike that and say that again</p> <p>20 because it was misleading.</p> <p>21 BY MR. BOSTWICK:</p> <p>22 Q. Did you negotiate terms of contracts</p>

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<p style="text-align: right;">Page 142</p> <p>1 directly with Jim Murphy in his capacity as the 2 head of the parent company in the U.S.?</p> <p>3 MR. STEWART: Objection.</p> <p>4 THE INTERPRETER: I'm sorry. Head of 5 the?</p> <p>6 MR. BOSTWICK: The parent company in 7 the U.S.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. BOSTWICK:</p> <p>10 Q. Did Mr. Murphy provide you with oral 11 assurances and agreements during this time period?</p> <p>12 MR. STEWART: Objection.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. BOSTWICK:</p> <p>15 Q. Did Mr. Murphy provide you with oral 16 assurances that the know-how -- was used to 17 produce Omeprazole was Ethypharm's? And I should 18 say the sole property of Ethypharm.</p> <p>19 A. Yes, oral and written.</p> <p>20 Q. Okay. You have said Ethypharm France 21 had final decision-making authority over the 22 relationship with Bentley and Belmac; correct?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Okay. Does the fact that you 2 delegated certain decisions mean that you did not 3 have the final decision-making power?</p> <p>4 MR. STEWART: Objection. Relevancy.</p> <p>5 THE WITNESS: No. They were deciding 6 with my authorization. With my name, in fact. 7 They had the authorization to sign but that was in 8 fact my signature. It's a delegation of a power, 9 of responsibility.</p> <p>10 BY MR. BOSTWICK:</p> <p>11 Q. Likewise, did Mr. Murphy sometimes 12 delegate some --</p> <p>13 MR. STEWART: Objection. Foundation.</p> <p>14 MR. BOSTWICK: I haven't finished the 15 question.</p> <p>16 MR. STEWART: Okay.</p> <p>17 MR. BOSTWICK: Start over.</p> <p>18 BY MR. BOSTWICK:</p> <p>19 Q. Likewise, did Mr. Murphy of Bentley 20 Pharmaceuticals sometimes delegate certain aspects 21 of control to people like Adolfo Herrera, Clemente 22 Gonzalez, or Mr. Monterde?</p>
<p style="text-align: right;">Page 143</p> <p>1 MR. STEWART: Objection.</p> <p>2 Can I have that back? I'm sorry.</p> <p>3 THE REPORTER: You said -- "You have 4 said Ethypharm France had final decision-making 5 authority over the relationship with Bentley and 6 Belmac; correct?"</p> <p>7 MR. STEWART: Over the relationship of 8 Ethypharm Spain with Bentley and Belmac? Is that 9 what you meant?</p> <p>10 MR. BOSTWICK: Over the relationship 11 with Bentley and Belmac. My question stands.</p> <p>12 THE WITNESS: That's correct.</p> <p>13 MR. BOSTWICK: Okay.</p> <p>14 BY MR. BOSTWICK:</p> <p>15 Q. And over the Spanish -- Over the 16 relationship that Ethypharm Spain had as well?</p> <p>17 A. Yes.</p> <p>18 Q. Did you sometimes delegate your 19 authority to people like Claude Dubois, Pierre 20 Germain, Adolfo De Basilio?</p> <p>21 A. Yes, and I should add Gerard Leduc 22 too.</p>	<p style="text-align: right;">Page 145</p> <p>1 MR. STEWART: Objection.</p> <p>2 THE WITNESS: Yes.</p> <p>3 MR. STEWART: Foundation.</p> <p>4 THE WITNESS: Yes. You are seeing 5 some --</p> <p>6 MR. BOSTWICK: In fact --</p> <p>7 THE WITNESS: -- examples.</p> <p>8 BY MR. STEWART:</p> <p>9 Q. In fact, we just looked at 10 Exhibit 36 --</p> <p>11 A. Yeah.</p> <p>12 Q. -- which is one example; correct?</p> <p>13 A. Yeah. Yeah.</p> <p>14 Q. Did that -- Did the fact that 15 Mr. Murphy at Bentley delegated certain powers 16 change your understanding about whether Bentley 17 U.S.A. was in charge of the relationship with 18 Ethypharm?</p> <p>19 A. Delegating the responsibility doesn't 20 change a responsibility.</p> <p>21 Q. You also sometimes traded drafts or 22 signed documents?</p>

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<p style="text-align: right;">Page 146</p> <p>1 THE INTERPRETER: As a participle --</p> <p>2 past participle, signed document, or you signed the</p> <p>3 document?</p> <p>4 MR. BOSTWICK: Or -- or documents that</p> <p>5 are signed.</p> <p>6 THE INTERPRETER: Okay.</p> <p>7 MR. BOSTWICK: Sorry.</p> <p>8 MR. STEWART: Can we have the question</p> <p>9 back, please.</p> <p>10 MR. BOSTWICK: Yeah.</p> <p>11 THE REPORTER: "You also sometimes</p> <p>12 traded drafts or signed documents?"</p> <p>13 MR. BOSTWICK: Let me -- Let me do</p> <p>14 it -- Let me start over for you.</p> <p>15 BY MR. BOSTWICK:</p> <p>16 Q. On occasion, draft agreements and</p> <p>17 documents were signed or traded between the local</p> <p>18 subsidiaries rather than headquarters; correct?</p> <p>19 MR. STEWART: Objection.</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. BOSTWICK: Okay. It would help if</p> <p>22 I get a basis for the objection. Then if I agree</p>	<p style="text-align: right;">Page 148</p> <p>1 MR. STEWART: Objection. Relevance.</p> <p>2 THE INTERPRETER: Just -- Can I have</p> <p>3 the question, please?</p> <p>4 THE REPORTER: "Does the fact that you</p> <p>5 were president of Spain mean that the headquarters</p> <p>6 in France was not influencing and directing</p> <p>7 decision-making?"</p> <p>8 THE WITNESS: Ethypharm France was</p> <p>9 responsible for taking all these decisions.</p> <p>10 BY MR. BOSTWICK:</p> <p>11 Q. Is this -- In your mind, throughout</p> <p>12 this relationship, was the same thing true for Mr.</p> <p>13 Murphy as chairman and CEO of Bentley?</p> <p>14 MR. STEWART: In his mind?</p> <p>15 MR. BOSTWICK: Yes, that's what's</p> <p>16 relevant to agency.</p> <p>17 MR. STEWART: We disagree on that.</p> <p>18 THE WITNESS: Exact.</p> <p>19 BY MR. BOSTWICK:</p> <p>20 Q. Now, Mr. Murphy was chairman and CEO</p> <p>21 of -- Strike that.</p> <p>22 And I take it you base your</p>
<p style="text-align: right;">Page 147</p> <p>1 with it, I'll change the --</p> <p>2 MR. STEWART: Okay.</p> <p>3 MR. BOSTWICK: -- question.</p> <p>4 BY MR. BOSTWICK:</p> <p>5 Q. Does that fact mean that the parents</p> <p>6 were not directing and controlling the</p> <p>7 relationship?</p> <p>8 A. Not at all. It's a delegation of</p> <p>9 power and responsibility but the power and</p> <p>10 responsibility always remain at the same person,</p> <p>11 with the same person.</p> <p>12 Q. You were the president of both</p> <p>13 Ethypharm France and Ethypharm Spain; correct?</p> <p>14 A. Yes.</p> <p>15 Yes.</p> <p>16 Q. And to be more specific, you were</p> <p>17 chairman of the board and CEO of Ethypharm France;</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Does the fact that you were president</p> <p>21 of Spain mean that the headquarters in France was</p> <p>22 not influencing and directing decision-making?</p>	<p style="text-align: right;">Page 149</p> <p>1 understanding on your communications with</p> <p>2 Mr. Murphy?</p> <p>3 MR. STEWART: Objection.</p> <p>4 THE WITNESS: Absolutely.</p> <p>5 MR. BOSTWICK: Okay. And, again, I'd</p> <p>6 ask for the basis of the objections.</p> <p>7 BY MR. BOSTWICK:</p> <p>8 Q. Mr. Murphy was chairman and CEO of</p> <p>9 Bentley; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And as Mr. Stewart has pointed out, he</p> <p>12 was also the president of Laboratorios Belmac in</p> <p>13 Spain; correct?</p> <p>14 A. Yes.</p> <p>15 Q. What did Mr. Murphy represent his main</p> <p>16 job to be?</p> <p>17 MR. STEWART: What time?</p> <p>18 BY MR. BOSTWICK:</p> <p>19 Q. Throughout this time period, 1994</p> <p>20 through 2003. Was it chairman/CEO of Bentley or</p> <p>21 president of Spain?</p> <p>22 A. My opinion, chairman and president --</p>

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<p style="text-align: right;">Page 150</p> <p>1 chairman and CEO of Belmac Corporation and then 2 Bentley Corporation. 3 Q. In the U.S.? 4 A. In the U.S. 5 Q. Is that understanding based on your 6 communications and relationship over that period? 7 MR. STEWART: Objection. In this 8 instance, leading. 9 THE WITNESS: Yes. And his comments, 10 his -- what he told me. 11 BY MR. BOSTWICK: 12 Q. Did you understand from Mr. Murphy's 13 cont -- comments to you that Mr. Murphy was acting 14 in the interests of the headquarters in the U.S. 15 at all times during this relationship? 16 MR. STEWART: Objection. 17 Objection. Leading. 18 THE WITNESS: Nevertheless, I replied 19 Yes. 20 Excuse me, gentlemen, when you say 21 "Objection," I'm -- I'm not concerned. It's a -- 22 MR. BOSTWICK: It --</p>	<p style="text-align: right;">Page 152</p> <p>1 this information. 2 Q. Do you agree with that? 3 A. No. No. 4 Q. Okay. Did Mr. Murphy -- In -- In the 5 course of your relationship with Bentley and 6 Belmac, did Mr. Murphy ever make any attempt to 7 make distinctions to you about whether he was 8 acting as Laboratorios Belmac or whether he was 9 acting as Bentley? 10 A. No. 11 MR. BOSTWICK: Let's look at some 12 specific examples. And this would be the next 13 exhibit which is 39, I believe. 14 (The reporter marked Exhibit 39.) 15 THE WITNESS: Okay. 16 BY MR. BOSTWICK: 17 Q. Do you recognize this document? 18 A. Yes. 19 Q. What is this document? 20 A. It's a letter of intent between 21 Ethypharm and Belmac Corporation. 22 Q. Belmac in the U.S. or -- or</p>
<p style="text-align: right;">Page 151</p> <p>1 THE WITNESS: It's a procedural thing. 2 MR. BOSTWICK: That's correct. 3 THE WITNESS: Okay. 4 MR. BOSTWICK: That's correct. Unless 5 someone instructs you specifically not to answer. 6 THE WITNESS: Okay. 7 MR. BOSTWICK: Usually, that's for 8 privilege purposes. 9 THE WITNESS: Thank you. 10 BY MR. BOSTWICK: 11 Q. Mr. Debregeas, you understand that 12 today -- Do you understand that today in this 13 lawsuit that Mr. Murphy is claiming and that 14 Bentley is claiming that it was always clear that 15 Mr. Murphy was wearing a Laboratorios Belmac hat 16 when he was talking about Spanish operations? And 17 I'm not asking whether you agree with that 18 statement. I'm just asking whether you understand 19 that that's the essence of the -- 20 A. Mm-hmm. 21 Q. Yeah. 22 A. I'm -- I'm aware. Yeah. I'm aware of</p>	<p style="text-align: right;">Page 153</p> <p>1 Laboratorios Belmac in Spain? 2 A. Belmac Corporation. That's -- That 3 means Belmac U.S.A. 4 Q. Did you write this document or did 5 Belmac Corporation in the United States write this 6 document? 7 A. This letter of intent is presented to 8 Ethypharm by Belmac Corporation in good faith to 9 ensure that Belmac Corporation will employ its 10 best effort to enter and complete negotiation for 11 the establishment of a joint venture relationship, 12 la, la, la. 13 Q. Is that expression of intent -- 14 A. Yes. 15 Q. -- con -- consistent with what Jim 16 Murphy told you about who had the final 17 authority to enter and conclude negotiations with 18 Ethypharm? 19 A. This is perfectly clear. Belmac 20 Corporation U.S.A., Ethypharm France. 21 Q. And is part of the relationship that 22 is being talked about in this letter of intent the</p>

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<p style="text-align: right;">Page 154</p> <p>1 relationship relating to the manufacture and 2 development of Omeprazole in Spain? 3 A. Yes. 4 MR. STEWART: Okay. We have -- May we 5 have the date of this letter of intent? 6 BY MR. BOSTWICK: 7 Q. Do you know the date of this letter of 8 intent that was drafted by -- 9 A. It's in the file -- 10 Q. -- Bentley? 11 A. -- but when they were talking at that 12 time of erythromycin and also terramycin so I 13 think we could -- we could quite date it 14 accurately. 15 Q. Do you -- Do you -- The only question 16 is -- 17 A. Well -- [overtalking] -- but -- 18 Q. The only question is whether you know 19 the date of this document. 20 A. No, I don't know it but it can be 21 found in the file. I could -- It would take me a 22 couple of hours but I could find it, plus or minus</p>	<p style="text-align: right;">Page 156</p> <p>1 BY MR. BOSTWICK: 2 Q. And the foundation, the -- the reason 3 that this is true is it's written on Bentley 4 Pharmaceutical's stationery; correct? 5 A. Yes. 6 Q. And another reason this is true is 7 that Mr. Murphy represents that he is writing as 8 chairman and CEO of Bentley Pharmaceuticals; 9 correct? 10 A. Mm-hmm. Yes. 11 Q. Did you ever receive any letters that 12 you recall from Mr. Murphy on anything other than 13 Bentley Pharmaceutical's stationery? 14 A. No recollection of such a document. 15 Q. Okay. And if Mr. Murphy had a problem 16 with his stationery, for example, he could write 17 James Murphy, President of Laboratorios Belmac; 18 couldn't he? 19 MR. STEWART: Objection. No 20 foundation. Speculation. Hypothetical. 21 How could this witness possibly know 22 what Jim Murphy could or could not have done at</p>
<p style="text-align: right;">Page 155</p> <p>1 one. I'm not sure. And maybe we could find it, 2 the letter that was coming with it -- 3 Q. Okay. 4 A. -- because you see there is no -- no 5 address and deny that source -- Pardon. 6 Q. Let me show you another document. I 7 believe this is already an exhibit. The 8 January 28th, 1997 letter, I believe, is 9 Exhibit 31 in your pile. Do you recognize and 10 recall this letter? 11 A. Yes. There are even my initials on 12 it. 13 Q. Now, am I correct that this is a 14 document that you received at Ethypharm France? 15 A. Yes. 16 Q. And am I correct that this is a letter 17 that Mr. James Murphy sent to you in his capacity 18 as chairman and CEO of Bentley Pharmaceuticals? 19 MR. STEWART: Objection. Foundation. 20 THE WITNESS: Yes. Yes. That's what 21 is written. James Murphy, chairman and CEO. 22 ...</p>	<p style="text-align: right;">Page 157</p> <p>1 any particular time? 2 MR. BOSTWICK: Do you -- You can 3 answer the question. 4 THE WITNESS: Okay. So you repeat the 5 question, Valerie. 6 THE INTERPRETER: How could he 7 possibly know if Mr. Murphy -- 8 MR. STEWART: What Mr. Murphy could or 9 could not have done at any particular time. 10 MR. BOSTWICK: But that's not the 11 question. That -- That's -- 12 BY MR. BOSTWICK: 13 Q. The question is: Mr. Murphy could 14 sign his letter, James Murphy, president of 15 Laboratorios Belmac, couldn't he? 16 MR. STEWART: Same objection. Same 17 objection. 18 THE WITNESS: And, yes, and I would 19 say that my understanding would not have been 20 different. 21 BY MR. BOSTWICK: 22 Q. Okay. The -- Let me look at the</p>

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<p style="text-align: right;">Page 158</p> <p>1 first -- at the second sentence of this document</p> <p>2 which says, "ever since I assumed control of</p> <p>3 Laboratorios Belmac." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. What do you understand that to mean?</p> <p>6 A. Well, this is just a repetition of</p> <p>7 what Mr. Murphy told me when I met him the first</p> <p>8 time or had him the first time on the phone, that</p> <p>9 he was having total control of the group. That</p> <p>10 means corporation and laboratorios in Spain.</p> <p>11 Q. What did that tell you about whether</p> <p>12 Bentley U.S.A. was directing and controlling</p> <p>13 issues relating to Ethypharm?</p> <p>14 A. Well, Mr. Murphy, chairman and CEO of</p> <p>15 Bentley, was really the boss and he was my</p> <p>16 counterpart and there was absolutely no ambiguity.</p> <p>17 MR. BOSTWICK: I don't have any</p> <p>18 further questions. Mr. Stewart have -- may have a</p> <p>19 few.</p> <p>20 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANT</p> <p>21 BY MR. STEWART:</p> <p>22 Q. So it's your testimony that because</p>	<p style="text-align: right;">Page 160</p> <p>1 Is that clear?</p> <p>2 BY MR. STEWART:</p> <p>3 Q. So do you remember I asked you the</p> <p>4 question which was: Is there any contract between</p> <p>5 Bentley Pharmaceuticals and Ethypharm sign -- (To</p> <p>6 the interpreter) Go ahead -- signed by Ethypharm</p> <p>7 on the one hand and Bentley Pharmaceuticals on the</p> <p>8 other?</p> <p>9 Do you remember that question?</p> <p>10 A. Yeah. I think I already replied to</p> <p>11 that question.</p> <p>12 Q. And your reply was, you thought so but</p> <p>13 you had no memory of any specific agreement?</p> <p>14 A. Yeah. So I confirmed. Same, same</p> <p>15 reply.</p> <p>16 Q. Same reply?</p> <p>17 A. Same reply. I'm convinced there are</p> <p>18 some but I have no specific reminiscence of that.</p> <p>19 Q. Is it your position that any contract</p> <p>20 which is signed by Laboratorios Belmac also binds</p> <p>21 Bentley Pharmaceuticals, Inc.? Is that your</p> <p>22 position?</p>
<p style="text-align: right;">Page 159</p> <p>1 you controlled -- you made the final decision for</p> <p>2 Ethypharm France and Ethypharm Spain -- that</p> <p>3 agreements that were signed by Laboratorios Belmac</p> <p>4 also bound -- (To the interpreter) Do you want to</p> <p>5 translate?</p> <p>6 THE INTERPRETER: Okay.</p> <p>7 BY MR. STEWART:</p> <p>8 Q. -- Bentley Pharmaceuticals in the</p> <p>9 United States?</p> <p>10 MR. BOSTWICK: Objection.</p> <p>11 Mischaracterization of his testimony.</p> <p>12 THE WITNESS: I did not have any</p> <p>13 information from Mr. Murphy that he was not the</p> <p>14 one in charge having full power to regulate</p> <p>15 everything done by Bentley Corporation or</p> <p>16 Bentley -- or Belmac Corporation and Laboratorios</p> <p>17 Belmac. I had the confirmation that he could</p> <p>18 dedicate some of his power to some of his</p> <p>19 employees exactly the same as me. He never told</p> <p>20 me that one of his employees in Spain could</p> <p>21 represent the mother company in the U.S. It was:</p> <p>22 We're going one way.</p>	<p style="text-align: right;">Page 161</p> <p>1 MR. BOSTWICK: Objection. Form.</p> <p>2 THE WITNESS: I -- I think it's a very</p> <p>3 tricky question in the sense that to my opinion,</p> <p>4 Laboratorios Belmac will sign a contract with us</p> <p>5 with the authorization for the clear authorization</p> <p>6 of Bentley.</p> <p>7 BY MR. STEWART:</p> <p>8 Q. So you're saying that anytime that</p> <p>9 Laboratorios Belmac signed a contract, it had the</p> <p>10 clear authorization from Bentley?</p> <p>11 MR. BOSTWICK: No, that's --</p> <p>12 BY MR. STEWART:</p> <p>13 Q. Is that your position?</p> <p>14 THE WITNESS: No.</p> <p>15 MR. BOSTWICK: Objection. That's not</p> <p>16 what I said.</p> <p>17 THE WITNESS: "Implicit."</p> <p>18 MR. STEWART: Implicit.</p> <p>19 THE WITNESS: Hey, be careful, you</p> <p>20 know. English is not my mother tongue.</p> <p>21 MR. STEWART: Let's -- let's go</p> <p>22 through the translator. Let's go through the</p>

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<p style="text-align: right;">Page 162</p> <p>1 translator.</p> <p>2 THE INTERPRETER: Yeah.</p> <p>3 MR. STEWART: Would you -- Would you</p> <p>4 tell me what he said.</p> <p>5 THE INTERPRETER: He just said to</p> <p>6 translate so the question I translate was: Every</p> <p>7 time that a contract was signed by Laboratorios</p> <p>8 Belmac, it was binding Bentley Corporation?</p> <p>9 And he said yes.</p> <p>10 MR. STEWART: Okay.</p> <p>11 BY MR. STEWART:</p> <p>12 Q. So did Mr. Murphy ever tell you that</p> <p>13 he drafted the March 23rd, 2000 manufacturing</p> <p>14 agreement between Ethypharm Spain and Laboratorios</p> <p>15 Belmac?</p> <p>16 MR. BOSTWICK: Objection. Foundation.</p> <p>17 THE WITNESS: He didn't tell me that --</p> <p>18 he had drafted himself this contract, no.</p> <p>19 BY MR. STEWART:</p> <p>20 Q. Did he ever tell you that he had</p> <p>21 instructed Adolfo Basilio -- I'm sorry --</p> <p>22 instructed Adolfo Herrera to draft that agreement?</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. According --</p> <p>2 A. I don't know who typed it. I don't</p> <p>3 know --</p> <p>4 Q. We're not interested in who typed it.</p> <p>5 Did -- Do you know whether Mr. Murphy directed</p> <p>6 Mr. -- Mr. Herrera to enter into this agreement</p> <p>7 with Ethypharm Spain?</p> <p>8 A. How could I know it? I'm the</p> <p>9 president and CEO at that time of Ethypharm. I</p> <p>10 have to take care of my business. Jim Murphy and</p> <p>11 Adolfo Herrera are taking care of their business.</p> <p>12 There is a document which is typed and which is</p> <p>13 signed by both parties. That's what I know.</p> <p>14 Q. I don't know how you could know it.</p> <p>15 A. But -- Exactly. I don't know how I</p> <p>16 could know it.</p> <p>17 Q. But you have told Mr. Bostwick that</p> <p>18 because you were the boss of both Ethypharm France</p> <p>19 and Ethypharm Spain that, surely, Mr. Murphy must</p> <p>20 be the boss of Bentley Corporation and</p> <p>21 Laboratorios Belmac and that Mr. Murphy,</p> <p>22 therefore, every time there was an action taken by</p>
<p style="text-align: right;">Page 163</p> <p>1 A. I don't remember all the document that</p> <p>2 we had but for me this contract was coming from</p> <p>3 the mind of Mr. Murphy and more and more when I</p> <p>4 see what happened later.</p> <p>5 Q. Just so we're clear, we're referring</p> <p>6 to Exhibit 15.</p> <p>7 A. Mm-hmm. The document's dated</p> <p>8 March 23rd?</p> <p>9 Q. Yeah.</p> <p>10 Is it your testimony that you believe</p> <p>11 Exhibit 15, the agreement between Ethypharm Spain</p> <p>12 and Laboratorios Belmac, comes from the mind of</p> <p>13 Mr. Murphy?</p> <p>14 A. From -- I don't really understand your</p> <p>15 question, you know. Is it Mr. Murphy that wrote</p> <p>16 that? I don't know. Would that be incompatible</p> <p>17 with the spirit and the intelligence of</p> <p>18 Mr. Murphy? No. I don't know who wrote that. I</p> <p>19 know it was signed by Adolfo De Basilio for</p> <p>20 Ethypharm with my authorization. It's signed by</p> <p>21 Adolfo Herrera according to me with the</p> <p>22 authorization of Mr. Murphy and that's it.</p>	<p style="text-align: right;">Page 165</p> <p>1 Ethy -- by Laboratorios Belmac, it must have been</p> <p>2 the action of Bentley?</p> <p>3 MR. BOSTWICK: I'm going to object.</p> <p>4 That's a very compound question, extremely long</p> <p>5 and -- and argumentative.</p> <p>6 MR. STEWART: I would -- I would</p> <p>7 invite that -- We have our stenographer. We have</p> <p>8 our translator. The stenographer can break that</p> <p>9 question down and the translator can translate it.</p> <p>10 THE INTERPRETER: I think I remember.</p> <p>11 (The interpretation proceeded.)</p> <p>12 THE INTERPRETER: And I just need the</p> <p>13 end of the question, please.</p> <p>14 THE REPORTER: -- "therefore, every</p> <p>15 time there was an action taken by Laboratorios</p> <p>16 Belmac, it must have been the action of Bentley?"</p> <p>17 MR. BOSTWICK: I'll add to my</p> <p>18 objection that it mischaracterizes testimony.</p> <p>19 THE WITNESS: That the -- the chairman</p> <p>20 and CEO is always responsible of what happens in</p> <p>21 his operations. If one of my employee falls from</p> <p>22 the window, it's very likely that I will be</p>

42 (Pages 162 to 165)

<p style="text-align: right;">Page 166</p> <p>1 immediately called by the police and there will be  2 an inquiry that will be made. I am the  3 responsible even if it takes place in a factory  4 which is distant of 50 kilometers. And being  5 the -- the official, legal, and powerful  6 representative of the company, I'm the one  7 responsible. And I think it's the same here. And  8 I never escape my responsibilities and I did not  9 expect Jim Murphy to escape his responsibility  10 either. We have advantages and we have some  11 burdens and recently, right now. I think it's  12 a -- purely a normal and -- I may be wrong --  13 but --  14 MR. STEWART: Because -- Because  15 you --  16 THE WITNESS: -- that's how I see the  17 business.  18 BY MR. STEWART:  19 Q. Because you -- Because you and your  20 counsel have brought this question up, I'll ask  21 this. For a number of years you were both  22 president of Ethypharm Spain and president of</p>	<p style="text-align: right;">Page 168</p> <p>1 Ethypharm Spain and if the complaint by the  2 contracting party demanded millions of pesetas  3 from Ethypharm Spain, would it have been your  4 position that Ethypharm France would be obligated  5 to pay the million pesetas if it determined that  6 the complaints were just?  7 MR. BOSTWICK: My list of objections  8 is almost as long as your question. It's vague.  9 It's -- Calls for speculation. It's -- You had  10 about four or five ands in that question so  11 it's -- And in addition, it doesn't -- Presumably,  12 it -- it asks for an analogy to the present  13 situation where you posited that there's no  14 relationship in that circumstance where we have a  15 demonstrative relationship here with direct  16 contact with the parent company, so I -- I can't  17 understand how you could possibly answer that  18 question.  19 THE WITNESS: I would say that we have  20 insurance and the role of this insurance is to pay  21 for all the mistakes that could be told anywhere  22 in the world. And we -- The contracting party is</p>
<p style="text-align: right;">Page 167</p> <p>1 Ethypharm France; correct?  2 And during that --  3 A. Yes.  4 Q. And during that time period, Ethypharm  5 Spain entered into a number of contracts; is that  6 right?  7 A. Yes.  8 Q. Were there -- Was there any time when  9 Ethypharm Spain entered into a contract where it  10 agreed to become obligated to provide services to  11 a -- to another company?  12 A. Yes.  13 Q. Was there ever a time when the party  14 to the contract complained to Ethypharm Spain that  15 things were not done well?  16 MR. BOSTWICK: Objection. Vague and  17 speculative.  18 THE WITNESS: I have no such  19 reminiscence but it might have happened.  20 BY MR. STEWART:  21 Q. And if it happened that there was a  22 complaint made against a contract signed by</p>	<p style="text-align: right;">Page 169</p> <p>1 Ethypharm France and it's valid. It covers all  2 the market in which our products are present and I  3 feel personally responsible for what would happen  4 etre suit (phonetic). If we have a big problem in  5 one company due to one of our product, mistake,  6 accident, and so on, I would be one of the first  7 person going there to see what has happened. And  8 the insurance company would come with me to cover  9 the --  10 BY MR. STEWART:  11 Q. And if there were no insurance,  12 Ethypharm France would pay for the mistakes of  13 Ethypharm Spain?  14 A. I would never leave without -- without  15 an insurance.  16 MR. BOSTWICK: Objection. That wasn't  17 what he said.  18 BY MR. STEWART:  19 Q. So is your -- Is your testimony that  20 yes, Ethypharm France would respond to that -- to  21 the complaint by the customer of Ethypharm Spain;  22 is that right?</p>

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<p style="text-align: right;">Page 170</p> <p>1 A. Yes.</p> <p>2 MR. STEWART: I see. If --</p> <p>3 MR. BOSTWICK: Craig, how much longer</p> <p>4 do you plan to go here?</p> <p>5 MR. STEWART: Couple, five -- About</p> <p>6 five minutes.</p> <p>7 BY MR. STEWART:</p> <p>8 Q. What -- In 19 -- In -- In the period,</p> <p>9 1994 through 2003, how many employees did</p> <p>10 Ethypharm have?</p> <p>11 A. Honestly, I don't remember how many we</p> <p>12 were in 1994. I remember that in 2001, 2002, we</p> <p>13 were totaling worldwide almost 1,000 people. --</p> <p>14 Right now we must be totaling about 850 people.</p> <p>15 Q. And did -- During that -- During that</p> <p>16 time period in the -- in your dealings with</p> <p>17 Mr. Murphy, did you ever -- did it ever occur to</p> <p>18 you to say to Mr. Murphy: It is my view that your</p> <p>19 parent corporation, Bentley Pharmaceuticals, Inc.,</p> <p>20 is bound by whatever agreement is made between</p> <p>21 Ethypharm Spain and Laboratorios Belmac? Did that</p> <p>22 ever occur to you?</p>	<p style="text-align: right;">Page 172</p> <p>1 what do you defy a rutz (phonetic) in Madrid?</p> <p>2 What do you defy a rutz (phonetic) in Zaragoza?</p> <p>3 What's going to happen? I think it's -- was very</p> <p>4 clear. And this distinction between --</p> <p>5 BY MR. STEWART:</p> <p>6 Q. So the answer -- the answer to --</p> <p>7 THE WITNESS: -- between Spain and --</p> <p>8 and North America, for me, is totally artificial.</p> <p>9 BY MR. STEWART:</p> <p>10 Q. Because it was totally artificial, the</p> <p>11 distinction between Ethypharm France and Ethypharm</p> <p>12 Spain; correct?</p> <p>13 A. No, not artificial at all. As human,</p> <p>14 I assu -- I assumed total responsibility, total</p> <p>15 system of power, Ethypharm France. Patrice</p> <p>16 Debregeas, its president and -- chairman and</p> <p>17 CEO -- is totally responsible of what is done in --</p> <p>18 France and in Spain.</p> <p>19 Q. And you assumed that was the same with</p> <p>20 respect --</p> <p>21 A. Exactly.</p> <p>22 Q. -- with respect to Bentley</p>
<p style="text-align: right;">Page 171</p> <p>1 THE INTERPRETER: Every act?</p> <p>2 Can you just repeat the end, please.</p> <p>3 THE REPORTER: -- "did that ever occur</p> <p>4 to you?"</p> <p>5 THE INTERPRETER: Okay. Okay.</p> <p>6 THE REPORTER: Okay. I'll start at</p> <p>7 the top.</p> <p>8 "During that time period in your</p> <p>9 dealings with Mr. Murphy, did you ever -- did it</p> <p>10 ever occur to you to say to Mr. Murphy: It is my</p> <p>11 view that your parent corporation, Bentley</p> <p>12 Pharmaceuticals, Inc., is bound by whatever</p> <p>13 agreement is made between Ethypharm Spain and</p> <p>14 Laboratorios Belmac? Did that ever occur to you?"</p> <p>15 THE WITNESS: No, because I remember</p> <p>16 when I first met Mr. Murphy -- Murphy, he said</p> <p>17 that he was taking over total responsibility,</p> <p>18 total management duties, and so on, of Belmac</p> <p>19 Corporation and its subsidiary, Laboratorios</p> <p>20 Belmac, so it was perfectly clear.</p> <p>21 Maybe I should have asked him who is</p> <p>22 responsible of this, who is responsible of that,</p>	<p style="text-align: right;">Page 173</p> <p>1 Pharmaceuticals; is that right?</p> <p>2 A. It's not only my opinion. It's what</p> <p>3 Jim told me.</p> <p>4 Q. Jim told you that whatever</p> <p>5 Ethypharm -- whatever Laboratorios Belmac agreed</p> <p>6 to, that would also bind Bentley Pharmaceuticals,</p> <p>7 Inc.? He told you that?</p> <p>8 MR. BOSTWICK: What I'm objecting to</p> <p>9 is your repeated couching what he said as a</p> <p>10 response in another form. He didn't just say</p> <p>11 that. He said something else, clearly.</p> <p>12 THE WITNESS: I didn't say it goes up.</p> <p>13 I said it goes down, from the top to the -- to</p> <p>14 the -- to the lower level.</p> <p>15 MR. STEWART: I know that's how you</p> <p>16 would like to characterize it.</p> <p>17 THE WITNESS: No. That's a -- that's</p> <p>18 how --</p> <p>19 MR. BOSTWICK: Objection.</p> <p>20 Argumentative.</p> <p>21 THE WITNESS: -- it was characterized</p> <p>22 by Jim and how it's characterized by me. Hey, I</p>

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<p style="text-align: right;">Page 174</p> <p>1 did not promote Jim Murphy. Excuse me. I -- I</p> <p>2 didn't give him his titles -- it says.</p> <p>3 BY MR. STEWART:</p> <p>4 Q. From the beginning, you knew that Jim</p> <p>5 Murphy was the president of Laboratorios Belmac as</p> <p>6 well as the president of Bentley Pharmaceuticals,</p> <p>7 Inc; isn't that so?</p> <p>8 THE INTERPRETER: From which</p> <p>9 beginning?</p> <p>10 MR. STEWART: From when Jim Murphy --</p> <p>11 from when you first met Jim Murphy.</p> <p>12 THE WITNESS: And if he -- what he</p> <p>13 says and he says being repeated, this has been</p> <p>14 written, this has been presented. I think there</p> <p>15 is no novation in that. The only novation is now</p> <p>16 when people say, Hey, Bentley is one entity,</p> <p>17 Laboratorios Belmac is another entity. This is</p> <p>18 new; this is the novation.</p> <p>19 BY MR. STEWART:</p> <p>20 Q. What do you mean, "novation"?</p> <p>21 A. Something new. Until -- Let's say one</p> <p>22 year -- it was as I explained. And in the last</p>	<p style="text-align: right;">Page 176</p> <p>1 longer than the 20 minutes you've said you would</p> <p>2 go afterwards and --</p> <p>3 MR. STEWART: I told you -- I told --</p> <p>4 Let's be clear. I told you that I had about 20</p> <p>5 minutes and that's about what I took.</p> <p>6 MR. BOSTWICK: No, that's not what you</p> <p>7 did --</p> <p>8 MR. STEWART: Maybe 35 minutes.</p> <p>9 MR. BOSTWICK: -- but you did -- Well,</p> <p>10 it's on the record.</p> <p>11 MR. STEWART: Then you asked -- you</p> <p>12 asked questions for about 45 minutes to an hour.</p> <p>13 And I've been trying to get a simple answer to a</p> <p>14 question which un -- unfortunately, Mr. --</p> <p>15 Mr. Debregeas --</p> <p>16 MR. BOSTWICK: I don't think we should</p> <p>17 argue about this but --</p> <p>18 MR. STEWART: Well --</p> <p>19 MR. BOSTWICK: -- there were no simple</p> <p>20 questions there. They were very long --</p> <p>21 MR. STEWART: Well, the question --</p> <p>22 MR. BOSTWICK: -- and very lengthy.</p>
<p style="text-align: right;">Page 175</p> <p>1 year, now that there is a lawsuit, apparently,</p> <p>2 there are two different entities, one which is the</p> <p>3 U.S. one, the other one which is the Spanish one.</p> <p>4 This is for me -- That's what I call the novation.</p> <p>5 That means it's brand-new.</p> <p>6 MR. STEWART: Let's me have the answer</p> <p>7 to my question. I don't think I got the answer to</p> <p>8 my question.</p> <p>9 MR. BOSTWICK: Let me just state that</p> <p>10 you've said -- We've now been at this for quite a</p> <p>11 while. Number one, I'm going to expect a lot of</p> <p>12 leniency with Jim Murphy on this in terms of time.</p> <p>13 We've now been at this two full days. You told me</p> <p>14 you were going to finish, you know, much earlier,</p> <p>15 and if we're going to continue much longer, I</p> <p>16 mean, we should take a break and you should tell</p> <p>17 me how long.</p> <p>18 You know I have another witness who's</p> <p>19 flown in from France especially to meet -- to meet</p> <p>20 here. And if you want to take his deposition</p> <p>21 tomorrow, I've got to talk to him so I don't know</p> <p>22 what your plans are, but you've now gone far</p>	<p style="text-align: right;">Page 177</p> <p>1 MR. STEWART: The simple question I</p> <p>2 had -- The last question was: Since the</p> <p>3 inception, did Mr. Debregeas understand --</p> <p>4 MR. BOSTWICK: Let me just --</p> <p>5 MR. STEWART: -- that -- Let me</p> <p>6 finish -- that Jim Murphy was the president of</p> <p>7 Laboratorios Belmac? And I don't think -- I still</p> <p>8 haven't answered that.</p> <p>9 MR. BOSTWICK: I think he's answered</p> <p>10 that a number of times in the last two days --</p> <p>11 MR. STEWART: Can I have the answer</p> <p>12 now?</p> <p>13 MR. BOSTWICK: -- and maybe -- Yet</p> <p>14 again?</p> <p>15 BY MR. STEWART:</p> <p>16 Q. What's the answer to that question,</p> <p>17 sir?</p> <p>18 A. Jim Murphy was the president of</p> <p>19 Laboratorios Belmac and was the Chairman of the</p> <p>20 Board and CEO of the mother company, Bentley, and</p> <p>21 he had explained me permanently that he was the</p> <p>22 boss of the total group and that he was the one</p>

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<p style="text-align: right;">Page 178</p> <p>1 fixing the strat -- the strategy of the group and 2 that he was managing everything. He could give 3 delegation of responsibility to people within his 4 organization. And recently I heard that this was 5 not the case but --</p> <p>6 Q. And is it for that reason that you 7 believe that the conduct that was -- that -- or is 8 complained of in the complaint was done at the 9 direction of Bentley?</p> <p>10 A. We filed a lawsuit explaining that -- 11 If I don't believe in what is written in the -- in 12 the complaint, what should I be doing here? I'm 13 sorry I don't reply to your question; I ask you 14 another question but --</p> <p>15 Q. Is that the reason?</p> <p>16 A. I don't know -- I don't know how to 17 answer to your question, you know. You ask 20 18 times the same thing; 20 times, I give you an 19 answer. I think we can stay a couple of hours 20 more here and it would be the same question, the 21 same answer; same question, same answer.</p> <p>22 Q. You don't know how to answer the</p>	<p style="text-align: right;">Page 180</p> <p>1 MR. STEWART: Yeah, I want him to 2 reply.</p> <p>3 MR. BOSTWICK: Let me scroll up and 4 just -- I'm going to give an asked and answered --</p> <p>5 MR. STEWART: No, no. If you can -- 6 You --</p> <p>7 MR. BOSTWICK: It's just if you don't 8 like the answer, it doesn't -- you know, you don't 9 just get to keep asking the question over and over 10 until midnight. I can read you his answer. His 11 answer was very specifically that Mr. Murphy told 12 him in his, you know, conversations with him that 13 he was control of both groups and that -- that -- 14 you know, he gave you the full explanation of why 15 he feels this way.</p> <p>16 MR. STEWART: All right. Let me 17 just -- so we can end this. All right?</p> <p>18 BY MR. STEWART:</p> <p>19 Q. Is it because, as your counsel said -- 20 because Mr. Murphy told you that he was 21 controlling both -- both Laboratorios Belmac and 22 Bentley Pharmaceuticals?</p>
<p style="text-align: right;">Page 179</p> <p>1 question I just asked?</p> <p>2 A. I -- I replied 20 times already. You 3 don't like my reply but I'm not going to change 4 it, you know.</p> <p>5 MR. STEWART: I don't have -- I don't 6 hear an answer to my question.</p> <p>7 MR. BOSTWICK: I -- I think this is 8 very argumentative, objectionable.</p> <p>9 BY MR. STEWART:</p> <p>10 Q. What is the reason that Bentley, in 11 your opinion, directed the conduct of Belmac that 12 you complain of?</p> <p>13 MR. BOSTWICK: Objection. Craig, I 14 can scroll up about a half a page and get the 15 answer to that question and just read it right to 16 you. You've now asked the question 20 times and 17 he's given you an answer. You want me to read it 18 to you from the -- from the screen?</p> <p>19 MR. STEWART: I told you how --</p> <p>20 THE WITNESS: You want me to -- You 21 want me to reply?</p> <p>22 MR. BOSTWICK: No, no. No.</p>	<p style="text-align: right;">Page 181</p> <p>1 MR. BOSTWICK: That's a 2 mischaracterization of what he said. If you want 3 to read off his last answer and say, Is that 4 correct; is that -- is that really how you feel; 5 we can do that and -- but he did give a full 6 explanation of why he understood -- his 7 conversations with Jim Murphy, that Murphy was the 8 head of the group, that Murphy, you know, was -- 9 had told him -- I mean, I'm not -- This is not me 10 testifying. It's -- It's on -- It's sitting right 11 on the record.</p> <p>12 MR. STEWART: All right. Let me just 13 take two minutes and I'll take a look at what 14 you --</p> <p>15 MR. BOSTWICK: Okay.</p> <p>16 MR. STEWART: -- what you've -- what 17 you put up there.</p> <p>18 MR. BOSTWICK: Let's go off the record 19 for just a minute.</p> <p>20 THE VIDEOGRAPHER: The time is 21 16:03:18. Off the record.</p> <p>22 (Recess.)</p>

46 (Pages 178 to 181)

<p style="text-align: right;">Page 182</p> <p>1 THE VIDEOGRAPHER: On the record. The</p> <p>2 time is 16:12:18.</p> <p>3 BY MR. STEWART:</p> <p>4 Q. Mr. Debregeas, I'm trying to</p> <p>5 understand the core of your belief that Bentley</p> <p>6 Pharmaceuticals, Inc., is responsible for the</p> <p>7 actions taken by Laboratorios Belmac. And so</p> <p>8 would you tell me why you believe that Bentley</p> <p>9 Pharmaceuticals, Inc., is responsible for these</p> <p>10 actions.</p> <p>11 A. The chairman and CEO of Bentley</p> <p>12 declared to me repeatedly that he's in charge,</p> <p>13 he's the boss, he assumes responsibility.</p> <p>14 MR. STEWART: Thank you.</p> <p>15 MR. BOSTWICK: Okay. I don't have any</p> <p>16 questions.</p> <p>17 THE VIDEOGRAPHER: This ends Tape</p> <p>18 No. 3 and concludes Volume II of the testimony of</p> <p>19 Mr. Patrice Debregeas in the matter of Ethypharm</p> <p>20 versus Bentley Pharmaceuticals. The date is</p> <p>21 July 11th, 2006. The time is 16:14:43. Off the</p> <p>22 record.</p>	<p style="text-align: right;">Page 184</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, PATRICE DEBREGEAS, do hereby acknowledge I have</p> <p>3 read and examined the foregoing pages of</p> <p>4 testimony, and the same is a true, correct and</p> <p>5 complete transcription of the testimony given by</p> <p>6 me, and any changes or corrections, if any, appear</p> <p>7 in the attached errata sheet signed by me.</p> <p>8</p> <p>9</p> <p>10 Date PATRICE DEBREGEAS</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 183</p> <p>1</p> <p>2 (Whereupon, signature not having been waived, the</p> <p>3 deposition concluded at 4:14 p.m.)</p> <p>4 * * *</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 185</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2 UNITED STATES OF AMERICA ) ss.:</p> <p>3 DISTRICT OF COLUMBIA )</p> <p>4</p> <p>5 I, Marijane W. Simon, RDR, CLR, the</p> <p>6 officer before whom the foregoing deposition was</p> <p>7 taken, do hereby certify that the witness whose</p> <p>8 testimony appears in the foregoing deposition was</p> <p>9 duly sworn by Notary Bonnie Russo; that the</p> <p>10 testimony of said witness was taken by me to the</p> <p>11 best of my ability and thereafter reduced to</p> <p>12 typewriting under my direction; that I am neither</p> <p>13 counsel for, related to, nor employed by any of</p> <p>14 the parties to the action in which this deposition</p> <p>15 was taken, and further that I am not an employee</p> <p>16 of any attorney or counsel employed by the parties</p> <p>17 thereto, nor financially or otherwise interested</p> <p>18 in the outcome of the action.</p> <p>19</p> <p>20 Notary Public in and for</p> <p>the District of Columbia</p> <p>21</p> <p>22 My Commission expires: 08/14/08</p>

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<p>1 2 3 Dwight P. Bostwick, Esq., and BAACH, ROBINSON &amp; LEWIS 4 1201 F Street, NW, Suite 500 Washington, DC 20004 5 6 IN RE: Ethypharm, etc., v. Bentley, etc. 7 Dear Mr. Bostwick: 8 Enclosed please find your copy of Volume III of the deposition transcript of PATRICE DEBREGEAS, 9 along with the original signature page. As agreed, you will be responsible for having the 10 witness read and sign the transcript. 11 Within 30 days of receipt, please forward the errata sheet and original signature page, signed, 12 to counsel for the plaintiff, Craig Stewart. 13 If you would like to change this procedure or if you have any questions, please do not hesitate to 14 call. 15 Thank you. 16 Yours, 17 18 Marijane Simon, Reporter, Notary 19 20 cc: Craig Stewart, Esq. 21 22</p>	<p>Page 186</p>
<p>1 Esquire Deposition Services 1020 19th Street, Northwest 2 Suite 620 Washington, D.C. 20036 3 (202) 429-0014 4 ERRATA SHEET 5 6 Case Name: Ethypharm v. Bentley Witness Name: PATRICE DEBREGEAS, Vol. III 7 Video Vol. II Deposition Date: July 11, 2006 8 Job No. 175292 9 10 Page No. Line No. Change 11 12 13 14 15 16 17 18 19 20 21 22 Signature Date</p>	<p>Page 187</p>

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**ESQUIRE DEPOSITION SERVICES**  
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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF DELAWARE</p> <p>3 ----- X</p> <p>4 ETHYPHARM S.A. FRANCE and : 5 ETHYPHARM S.A. SPAIN, : 6 Plaintiffs, : C.A. No. 7 v. : 04-1300-SLR 8 BENTLEY PHARMACEUTICALS, INC., : 9 Defendant. : 10 ----- X Pages 1-184</p> <p>11</p> <p>12</p> <p>13</p> <p>14 VIDEOTAPE DEPOSITION OF CLAUDE DUBOIS District of Columbia 15 Wednesday, July 12, 2006</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 Reported by: Marijane Simon, RDR, CLR 22 Job No: 6736</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiffs:</p> <p>4 Dwight P. Bostwick, Esq., and 5 Jonathan D. Fine, Esq. 6 BAACH, ROBINSON &amp; LEWIS 7 1201 F Street, NW, Suite 500 8 Washington, DC 20004 9 (202) 659-6744 10 (202) 466-5738 (Fax) 11 dwight.bostwick@baachrobinson.com 12</p> <p>13 For the Defendant:</p> <p>14 Craig E. Stewart, Esq, and 15 Joseph P. Mingolla, Esq. 16 EDWARDS, ANGELL, PALMER &amp; DODGE, LLP 17 111 Huntington Avenue 18 Boston, MA 02199 19 (617) 239-0577 20 (617) 227-4420 (Fax) 21 jmingolla@eadplaw.com 22 ... cstewart@eadplaw.com</p>
<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3 July 12, 2006 4 10:11 a.m.</p> <p>5</p> <p>6</p> <p>7 Deposition of CLAUDE DUBOIS held at the law 8 offices of Baach, Robinson &amp; Lewis: 9 10 11 1201 F Street, NW 12 Suite 500 13 Washington, D.C. 20004</p> <p>14</p> <p>15</p> <p>16 Pursuant to notice, before Marijane Simon, 17 Registered Diplomat Reporter, Certified LiveNote 18 Reporter, and a Notary Public in and for the 19 District of Columbia.</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 Also Present:</p> <p>4 T.J. O'Toole, Videographer, 5 Esquire Deposition Services 6 1020 - 19th Street, NW 7 Suite 620 8 Washington, DC 20036 9 (202) 429-0014</p> <p>10</p> <p>11</p> <p>12 Interpreter Didier Devynck 13 Interpreter Valerie Texier through page 41</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

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